Executive Summary – Enforcement Matter – Case No. 42999 Moss Bluff Hub, LLC RN100217256 Docket No. 2011-2161-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Moss Bluff Natural Gas Storage Facility, 1078 Private Road 125G, Liberty County

Type of Operation:

Natural gas storage plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 13, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$36,720

Amount Deferred for Expedited Settlement: \$7,344 **Amount Deferred for Financial Inability to Pay:** \$0

Total Paid to General Revenue: \$29,376

Total Due to General Revenue: \$0

Payment Plan: N/A **SEP Conditional Offset:** \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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Investigation Information

Complaint Date(s): N/A **Complaint Information**: N/A

Date(s) of Investigation: February 24, 2011

Date(s) of NOE(s): June 22, 2011

Violation Information

- 1. Failed to record the pumping rate of storage tanks and tank truck loading since issuance of the New Source Review ("NSR") permit on April 29, 2005 [30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 20205, Special Conditions No. 10, Federal Operating Permit ("FOP") No. 02587, General Terms and Conditions and Special Terms and Conditions No. 7, and Tex. Health & Safety Code § 382.085(b)].
- 2. Failed to install a submerged fill pipe or a vapor recovery system as an emission control device on storage tank D-990 containing pipeline liquids/condensate with a true vapor pressure of 17.7 pounds per square inch by January 1, 2009, resulting in the release of approximately 11.4 tons of volatile organic compounds ("VOC") in 2009 and 4.15 tons of VOC in 2010 [30 Tex. Admin. Code §§ 115.112(d)(1) and 122.143(4), FOP No. O2587, General Terms and Conditions and Special Terms and Conditions No. 1.A., and Tex. Health & Safety Code § 382.085(b)].
- 3. Failed to report a deviation for failing to install an emission control device on storage tank D-990 for the four semi-annual deviation reporting periods between March 19, 2009 to March 18, 2011 [30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O2587, General Terms and Conditions and Special Terms and Conditions No. 1.A., and Tex. Health & Safety Code § 382.085(b)].
- 4. Failed to record monthly inspections of the capture system associated with the VOC control device (Thermal Oxidizer MB-TO1) subject to Compliance Assurance Monitoring since FOP No. O2587 was renewed on December 21, 2010 [30 Tex. ADMIN. CODE §§ 122.143(4) and 122.144(1), FOP No. O2587, General Terms and Conditions and Special Terms and Conditions No. 6, and Tex. Health & Safety Code § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures at the Plant:

- a. By September 7, 2011:
- i. Began recording the pumping rate of storage tanks and tank truck loading; and

Executive Summary – Enforcement Matter – Case No. 42999 Moss Bluff Hub, LLC RN100217256 Docket No. 2011-2161-AIR-E

ii. Began recording the results of daily monitoring of the combustion/exhaust gas temperatures of the capture system associated with the VOC control device (Thermal Oxidizer MB-TO1).

b. By October 17, 2011, reported the deviation for failing to install an emission control device on storage tank D-990; and

c. By November 28, 2011, retrofitted storage tank D-990 with a submerged pipe as an emission control device.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Trina Grieco, Enforcement Division,

Enforcement Team 4, MC R-13, (210) 403-4006; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412

TCEO SEP Coordinatr: N/A

Respondent: Verne K. Fletcher, General Manager, SE Region, Moss Bluff Hub, LLC,

5400 Westheimer Court, Houston, Texas 77056-5310

Louis Dunham III, Senior Environmental, Health & Safety Specialist, Moss Bluff Hub,

LLC, 5400 Westheimer Court, Houston, Texas 77056-5310

Respondent's Attorney: N/A

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|---|---|--|--|--|
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Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 31-Oct-2011 PCW 20-Dec-2011 Screening 17-Nov-2011 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Moss Bluff Hub, LLC Reg. Ent. Ref. No. RN100217256 Facility/Site Region 12-Houston Major/Minor Source Major **CASE INFORMATION** Enf./Case ID No. 42999 No. of Violations 4 Docket No. 2011-2161-AIR-E Order Type 1660 Media Program(s) Air Government/Non-Profit No Multi-Media Enf. Coordinator Trina Grieco EC's Team Enforcement Team 4 \$0 Maximum Admin. Penalty \$ Limit Minimum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$30,600 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 30.0% Enhancement \$9,180 Enhancement for two NOVs with same/similar violations and one order with denial of liability. 0.0% Enhancement Subtotal 4 **\$**0 Culpability : No Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments \$3,060 Subtotal 5 Subtotal 6 \$0 **Economic Benefit** 0.0% Enhancement* Total EB Amounts *Capped at the Total EB \$ Amount \$772 Approx. Cost of Compliance \$5,300 **SUM OF SUBTOTALS 1-7** Final Subtotal \$36,720 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0 Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$36,720 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$36,720 20.0% Reduction -\$7,344 DEFERRAL Adjustment Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) Deferral offered for expedited settlement. Notes

\$29,376

PAYABLE PENALTY

PCW :

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent Moss Bluff Hub, LLC

Case ID No. 42999

Reg. Ent. Reference No. RN100217256

Media [Statute] Air Enf. Coordinator Trina Grieco

Compliance History Worksheet

| Component | Number of | Enter Number Here | Adjusi |
|--------------------------------|--|---|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria) | 2 · | 10% |
| | Other written NOVs | 0 | 0% |
| | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 1 | 20% |
| Orders | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | o ************************************ | 0% |
| Judgments and Consent | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria) | 0 | 0% |
| Decrees | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (number of counts) | 0 | 0% |
| Emissions | Chronic excessive emissions events (number of events) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) | . O | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) | 0 | 0% |
| | | ase Enter Yes or No | |
| : | Environmental management systems in place for one year or more | No | 0% |
| Other | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |
| | Adjustment Per | centage (Subt | total 2 |
| | Subtotal 3) | | |
| No Poliance Histo | Adjustment Perory Person Classification (Subtotal 7) | centage (Subi | otal 3; |
| Average Pe | | centage (Subt | otal 7 |
| ipliance Histo | | | |
| Compliance History Notes | Enhancement for two NOVs with same/similar violations and one order with den | ial of liability. | |

| | | 17-Nov-2011 | Docket No. 2011-2161-AIR-E | | PCW |
|--|--|---|--|------------------------------|--|
| | | Moss Bluff Hub, L | LC | Policy Revision 2 (September | 1 |
| Reg. Ent. Refe | se ID No. rence No. | č. | | PCW Revision October 3 | 30, 2008 |
| | [Statute] | | | | |
| St. C. S. L. L. P. & STONE STREET, N. P. C. STONE STREET, Phys. Lett. B 50 (1997) 117. | YOUR WASHINGTON COLUMNS CONTROL OF THE | Trina Grieco | | | |
| | on Number | | | | |
| R | lule Cite(s) | j 30 řex. Admin, C | Code §§ 116.115(c) and 122.143(4), New Source Review | | |
| | | | , Special Conditions No. 10, Federal Operating Permit (" Terms and Conditions and Special Terms and Condition | | |
| - | | O2307, General | and Tex. Health & Safety Code § 382.085(b) | 5 NO. 7, | |
| | | | - 사람 중요한다 | | *************************************** |
| 1 | | Failed to record | the pumping rate of storage tanks and tank truck loading | na since | |
| Violation I | Description | railed to record | issuance of the NSR permit on April 29, 2005. | ig since | outrain course |
| | | | | | and the state of t |
| | | | Rass | e Penalty \$ | 10,000 |
| | | V-1000-1000-1000-1000-1000-1000-1000-10 | | . renaity | 10,000 |
| >> Environment | al, Proper | ty and Humar | Health Matrix | | |
| | Release | Major i | Moderate Minor | | |
| OR | Actual | | | | ALTERNATION OF THE PERSON OF T |
| | Potential | | Percent 0% | | |
| >>Programmation | Matrix | | | | i |
| | Falsification | Major I | Moderate Minor | | *************************************** |
| | and the second | LL | Percent 1% | | |
| | | | | | Topon, con part |
| Matrix Notes | The Respon | ndent failed to com | oply with less than 30% (one of five) of the rule requiren | nents. | |
| Hotes | | | | | |
| | | | Adjustment. | \$9,900 | |
| | | | | 437304 | |
| | | | | | \$100 |
| Violation Events | | | 。 | | |
| | Number of V | figlation Events | 1 2328 Number of violation of | davia | |
| | Number of V | /iolation Events | 1 2328 Number of violation of | idys | |
| | | daily | | | *************************************** |
| | | weekly | | | |
| п | nark only one | monthly quarterly | Violation Base | Penalty | \$100 |
| | with an x | semiannual | | | |
| | | annual | | | ary and a second |
| | , | single event | X | | |
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| s ² | | | one single event is recommended. | | - |
| <u>L</u> | | <u> </u> | | | |
| Good Faith Effort | s to Com | | 10.0% Reduction | | \$10 |
| | | Extraordinary | Before NOV NOV to EDPRP/Settlement Offer | | |
| | | Ordinary | X v | | i de la compania del la compania de |
| | | N/A | (mark with x) | | *************************************** |
| | | | The Respondent completed corrective actions by | | , , , , , , , , , , , , , , , , , , , |
| | | Notes S | September 7, 2011, after the June 22, 2011 Notice of Enforcement ("NOE"). | | |
| | | L. | | | |
| | | | Violation 9 | Subtotal | \$90 |
| Economic Benefit | (EB) for | this violation | Statutory Limit | Test | |
| | | | | | 4130 |
| | Estimate | ed EB Amount | \$32 Violation Final Penal | Ly rotar | \$120 |
| | | | This violation Final Assessed Penalty (adjusted for | r limits) | \$120 |
| | | | | | |

| | _ | conomic | Delicit | AAO | IVPHEEF | Carried Co. | à à |
|---|-----------------|---|-----------------|--|---|--|---|
| Respondent | Moss Bluff Hub | , LLC | | | | | |
| Case ID No. | 42999 | | | | | | |
| a. Ent. Reference No. | RN100217256 | | | | | C | |
| Media | Air | | | | | Percent Interest | Years of |
| Violation No. | 1 | | | | | r ercent interest | Depreciation |
| | | | | | | 5.0 | 15 |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
| Item Description | No commas or \$ | | | | | = | |
| Delayed Costs | | | | | | | 2.444 |
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | • | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | . Jude da da | e de la Colonia | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | \$100 | 29-Apr-2005 | 7-Sep-2011 | 6.36 | \$32 | n/a | \$32 |
| Training/Sampling | | No. 5, 2000 100 120 200 | | 0.00 | \$0 | n/a | \$0 |
| | | | | | | | |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal Permit Costs | | | | 0.00 | \$0 \$0 | n/a n/a | <u>\$0</u> \$0 |
| Permit Costs Other (as needed) | II. | • | | 0.00 0.00 rate of | \$0 \$0 storage tanks and | n/a n/a d tank truck loading. | \$0 \$0 The Date |
| Permit Costs Other (as needed) Notes for DELAYED costs | Required i | s the date the red | cords were requ | rate of compl | \$0 \$0 storage tanks and The Final Date is the eted. | n/a n/a d tank truck loading. ne date corrective ad | \$0 \$0 The Date tions were |
| Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs | Required i | s the date the red | cords were requ | 0.00 0.00 rate of pired. T compl | \$0 \$0 storage tanks and The Final Date is the eted. | n/a n/a d tank truck loading ne date corrective actions for one-time avoid | \$0 \$0 The Date tions were |
| Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal | Required i | s the date the red | cords were requ | rate of complementaria | \$0 \$0 storage tanks and The Final Date is the eted. ng item (except \$0 | n/a n/a d tank truck loading ne date corrective action for one-time avoid | \$0 \$0 The Date ctions were |
| Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel | Required i | s the date the red | cords were requ | rate of sired. To comple entering 0.00 0.00 0.00 | \$0 \$0 storage tanks and The Final Date is the eted. ng item (except \$0 \$0 | n/a n/a d tank truck loading. ne date corrective action of the date of the dat | \$0 \$0 The Date ctions were |
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| Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment | Required i | s the date the red | cords were requ | 0.00 rate of sired. T compl enterir 0.00 0.00 0.00 | \$0 \$0 storage tanks and the Final Date is the eted. **go | n/a n/a n/a d tank truck loading. he date corrective action for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 The Date ctions were led costs) \$0 \$0 \$0 |
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| | ondent Moss Bluff Hub, LLC | Docket | : No. 2011-2161-AIR-E | PCW |
|--|--|--|-----------------------------|--|
| £ | ID No. 42999 | | | Policy Revision 2 (September 2002) PCW Revision October 30, 2008 |
| English and the control of the contr | nce No. RN100217256 | | | |
| | tatute] Air | | | |
| Enf. Coor Violation | dinator Trina Grieco Number 2 | | | *************************************** |
| | e Cite(s) | | | |
| or and a second | P . | le §§ 115.112(d)(1) and 12 | | |
| de de la constance de la const | Terms and Conditions | s and Special Terms and C Safety Code § 382 | · 10/4 · 1 | C. Health & |
| | | | | |
| *************************************** | Falled to install a s | ubmerged fill pipe or a vap | or recovery system as an e | emission |
| Wielsties De | | orage tank D-990 containing | | |
| Violation De | scription true vapor pressure of the release of appr | oximately 11.4 tons of vol | | |
| *************************************** | | 2009 and 4.15 tons of \ | VOC in 2010. | |
| | | | | |
| | | | Bas | e Penalty \$10,000 |
| >> Environmental, | Property and Human H | | | and to december 41. |
| | | arm Jerate Minor | | and a constant |
| OR | Actual | X | , | and a second and a |
| | Potential | | Percent 25% | |
| >>Programmatic N | latrix | | | *************************************** |
| | | lerate Minor | B | ************************************** |
| <u> </u> | | | Percent 0% | A CONTRACTOR OF THE CONTRACTOR |
| Make in Union | and health or the environment h | and have averaged to incide | ificant amounts of contamir | anto that |
| Matrix Hun Notes | nan health or the environment h did not exceed p | nas been exposed to insigni protective levels as a result | | nants that |
| L_ | | <u> </u> | | |
| | | | Adjustment | \$7,500 |
| | | | | \$2,500 |
| | | | | 7-7 |
| Violation Events | | | | |
| N | umber of Violation Events | 12 10 | 61 Number of violation | days |
| *************************************** | daily | | | |
| | weekly | | | |
| marı | k only one monthly | | | |
| | ith an x semiannual | <u>×</u> | Violation Base | e Penalty \$30,000 |
| | annual | | | |
| | single event | | | |
| r_ | | | | × |
| I SIW | elve quarterly events are recom be installed (January 1, 20 | mended from the date the 09) to the date it was insta | | |
| <u>L:</u> | | | | <u> </u> |
| Good Faith Efforts | | 10.0% Reduction | | \$3,000 |
| | Extraordinary Extra | re NOV NOV to EDPRP/Settlem | ent Offer | |
| | Ordinary | × | | |
| | N/A | (mark with x) | | Maria Caraca |
| | Natas T | he Respondent completed | corrective actions by | Si and |
| | Notes No | ovember 28, 2011, after th | e June 22, 2011 NOE. | *************************************** |
| | <u> </u> | <u></u> | | C |
| | | | Violation | Subtotal \$27,000 |
| Economic Benefit (| EB) for this violation | | Statutory Limit | Test |
| | Estimated EB Amount | \$727 | Violation Final Pena | lty Total \$36,000 |
| | - | | | |
| | | his violation Final Asses | seu Penaity (adjusted fo | or limits) \$36,000 |

| | | conomic | benefit | AAO | rksneet | | |
|--|--|--------------------|--|---|--|--|---|
| Respondent Case ID No eg. Ent. Reference No | 42999 | | | | | | |
| Media | Air | | | | | Percent Interest | Years of Depreciation |
| Violation No. | . 2 | | | | | F 01 | \$15.00 .3 0.099.998.095000000 |
| | | Data Basiliand | Final Date | V | Interest Saved | 5.0 Onetime Costs | 15 EB Amount |
| | | Date Required | Fillal Date | 115 | Interest Saveu | Onetime costs | ED AMOUNT |
| Item Description | i No commas or \$ | - | | | | Signaturi (1985) | |
| Delayed Costs | | | | | | | |
| Equipment | `F===== | 1 | | 0.00 | \$0 | \$0 | \$0 |
| Equipment Buildings | | | | 0.00 | \$0 \$0 | \$0 | \$0 \$0 |
| Other (as needed) | | | Maria de la compansión de | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$ 0 |
| Land | 18 2 2 2 2 2 2 2 3 3 3 3 3 3 3 3 3 3 3 3 | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | 1 | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$5,000 | 1-Jan-2009 | 28-Nov-2011 | 2.91 | \$727 | n/a | \$727 |
| | Estimated exc | ense to make the | required modi | fication | s to the storage ta | ink. The Date Regu | ired is the date |
| Notes for DELAYED costs | the controls | were required to b | oe installed. Th | e Final | Date is the date o | ank. The Date Requirective actions we | re completed. |
| Avoided Costs | the controls | were required to b | oe installed. Th | e Final | Date is the date o | orrective actions we | re completed. |
| Avoided Costs Disposal | the controls | were required to b | oe installed. Th | e Final enterir | Date is the date of the last o | orrective actions we for one-time avoid | ded costs) |
| Avoided Costs Disposal Personnel | the controls | were required to b | oe installed. Th | enterir | Date is the date of the last o | for one-time avoid \$0 \$0 | led costs) \$0 \$0 |
| Avoided Costs Disposal Personnel spection/Reporting/Sampling | the controls | were required to b | oe installed. Th | enterir 0.00 0.00 0.00 | Date is the date of the late is the date of the late o | for one-time avoid \$0 \$0 \$0 \$0 | ere completed. led costs) \$0 \$0 \$0 |
| Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment | the controls | were required to b | oe installed. Th | enterir 0.00 0.00 0.00 0.00 | Date is the date of the last o | for one-time avoid \$0 \$0 \$0 \$0 \$0 | sere completed. 16d costs |
| Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] | the controls | were required to b | oe installed. Th | enterir 0.00 0.00 0.00 0.00 0.00 | Date is the date of the state o | for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | sere completed. So |
| Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment | the controls | were required to b | oe installed. Th | enterir 0.00 0.00 0.00 0.00 | Date is the date of the last o | for one-time avoid \$0 \$0 \$0 \$0 \$0 | sere completed. Solution Solution |
| Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] | the controls | were required to b | oe installed. Th | enterin 0.00 0.00 0.00 0.00 0.00 | Date is the date of the late o | for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | re completed. led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] | the controls | were required to b | oe installed. Th | enterin 0.00 0.00 0.00 0.00 0.00 | Date is the date of the late o | for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | re completed. led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] | the controls | were required to b | oe installed. Th | enterin 0.00 0.00 0.00 0.00 0.00 | Date is the date of the late o | for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | re completed. led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) | the controls | were required to b | oe installed. Th | enterin 0.00 0.00 0.00 0.00 0.00 | Date is the date of the late o | for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | re completed. led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) | the controls | were required to b | oe installed. Th | enterin 0.00 0.00 0.00 0.00 0.00 | Date is the date of the late o | for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | re completed. led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) | the controls | were required to b | oe installed. Th | enterin 0.00 0.00 0.00 0.00 0.00 | Date is the date of the late o | for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | re completed. led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 |

| Carro President Color William GCO POWER | ening Date | | Docket | No. 2011-2161-AIR-E | | PCW |
|---|----------------------------|---|---|---|--|--|
| [· · · · · · · · · · · · · · · · · · · | | Moss Bluff Hub, LLC | | | Policy Revision 2 (| |
| | ase ID No. | | | | PCW Revision | October 30, 2008 |
| Reg. Ent. Refe | | | | | | |
| | [Statute] | | | | | |
| | oordinator | | | | | |
| Viola | tion Number | | | | | |
| | Rule Cite(s) | 30 Tex. Admin. Code §§ | | 45(2)(A), FOP No. O2587, inditions No. 1.A., and Tex 085(b) | | |
| Violation | n Description | | | n emission control device of eporting periods between l 2011. | | A CONTRACTOR DE |
| | | | | Base | e Penalty | \$10,000 |
| >> Environmen | ital, Proper | ty and Human Heal Harm | | \$42 | | |
| | Release | Major Moderat | | | | |
| OR | Actual | | | | | |
| | Potential | | | Percent 0% | | A. C. |
| >>Programmat | | | | | | 0.000 |
| r r | Falsification | Major Moderat | | Barrara 10/ | | Total Control |
| L | 1.2. 1 | <u> </u> | x | Percent 1% | | No. |
| Ī | | | | | 7 | *************************************** |
| Matrix Notes | The | Respondent failed to com | ply with less than 30% | of the rule requirements. | | |
| | | | - | | +0.000 | |
| | | | | Adjustment | \$9,900 | 100 |
| | | | | | <u> </u> | \$100 |
| | | | | | | |
| Violation Events | S | | | | | į |
| | Number of \ | /iolation Events 4 | 72 | 9 Number of violation | davs | V |
| | | daily | | | | anna manana m |
| | mark only one with an x | weekly monthly quarterly semiannual annual single event x | | Violation Base | e Penalty | \$400 |
| | | Four single events are re | ecommended for the fo | ur deficient reports. | The state of the s | And the second s |
| Good Faith Effo | rts to Com | | % Reduction | | | \$40 |
| | | Before NO | V NOV to EDPRP/Settleme | nt Offer | | |
| | | Extraordinary | | | | |
| | | Ordinary | X | | | *************************************** |
| | | N/A | (mark with x) | | | |
| | | | ondent completed corre 7, 2011, after the June | ctive actions by October 22, 2011 NOE. | | Organica de la constante de la |
| | | Personal | | Violation | Subtotal | \$360 |
| Economic Benef | fit (EB) for | this violation | | Statutory Limit | Test | |
| | Estimate | ed EB Amount | \$10 | Violation Final Pena | ity Total | \$480 |
| | | This | violation Final Assess | sed Penalty (adjusted fo | r limits) | \$480 |
| | | | | | | *** |

| 表 《 · · · · · · · · · · · · · · · · · · | E(| conomic | Benefit | Wo | rksheet | | |
|--|-----------------|----------------------|------------------------------|--------------------------------------|--|---|---|
| Respondent | Moss Bluff Hul | o. LLC | 08-11-12-6000086001016000068 | ~9.7~ | | | |
| Case ID No. | | • | | | | | |
| Reg. Ent. Reference No. | TX | 1 | | | | | |
| Media | 838 | | | | | e san | Years of |
| Violation No. | itt | | | | | Percent Interest | Depreciation |
| Violation No. | | | 15650 Maria 15 15 15 16 16 | gbender. | 0.000 | | • |
| | | | | | | 5.0 | 15 |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
| Item Description | No commas or \$ | | | | | | |
| | • | | | | | | |
| Delayed Costs | | | | | 1000 | | |
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | \$100 | 18-Oct-2009 | 17-Oct-2011 | 2.00 | \$10 | n/a | \$10 |
| Remediation/Disposal | 3.15 | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0_ |
| Notes for DELAYED costs Avoided Costs | | reported. The F | inal Date is the | date th | nat corrective actio | ate the deviation wants were completed. | |
| Disposal | 7.1.10,712 | X 1 | COSCO DETOTE | 0.00 | \$0 | \$0 | |
| Personnel | | 1 | | | | | |
| Inspection/Reporting/Sampling | | | | | | | \$0 |
| | | | | 0.00 | \$0 | \$0 | \$0 \$0 |
| Supplies/equipment | | | | 0.00 | \$0 \$0 | \$0 \$0 | \$0 \$0 \$0 |
| Supplies/equipment Financial Assurance [2] | | | | 0.00 0.00 0.00 | \$0 \$0 \$0 | \$0 \$0 \$0 | \$0 \$0 \$0 \$0 |
| Financial Assurance [2] | | | | 0.00 0.00 0.00 0.00 | \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 |
| Financial Assurance [2] ONE-TIME avoided costs [3] | | | | 0.00 0.00 0.00 0.00 0.00 | \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Financial Assurance [2] | | | | 0.00 0.00 0.00 0.00 | \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 |
| Financial Assurance [2] ONE-TIME avoided costs [3] | | | | 0.00 0.00 0.00 0.00 0.00 | \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Financial Assurance [2] ONE-TIME avoided costs [3] | | | | 0.00 0.00 0.00 0.00 0.00 | \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) | | | | 0.00 0.00 0.00 0.00 0.00 | \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) | | | | 0.00 0.00 0.00 0.00 0.00 | \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) | | | | 0.00 0.00 0.00 0.00 0.00 | \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 \$0 \$0 |
| Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) | | \$100 | | 0.00 0.00 0.00 0.00 0.00 | \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 \$0 \$0 \$0 \$0 \$0 |

| | CONTROL OF THE PARTY OF THE PAR | 17-Nov-2011 | Docket | No. 2011-2161-AIR-E | | PCW |
|--|--|----------------------------|--|--|-----------------------|--|
| \$ | | Moss Bluff Hub, LLC | | | Policy Revision 2 (Se | |
| KARREST G. 1989) 1 | Case ID No. | | | | PCW Revision O | ctober 30, 2008 |
| Reg. Ent. Re | | | | | | |
| | a [Statute] Coordinator | | | | | |
| ridgiciyara o qoro qaribo iliya qaraase mar firmin oo oo oo oo mar waxay oo ahaa ahaa ahaa ahaa ahaa ahaa ahaa | ation Number | | | | | |
| • | Rule Cite(s) | | | | | |
| | | 30 Tex. Admin. Code | | .144(1), FOP No. O2587, Conditions No. 6, and Tex. | | |
| | | 12 12 1 12 4 - | Safety Code § 382 | | | *************************************** |
| | | | | | | |
| | | | | | | |
| | | | | ure system associated with | | |
| Violatio | n Description | 4 | | ubject to Compliance Assu ewed on December 21, 20 | . 8 | |
| | | Monitoring since i | FOF NO. 02367 Was Tell | ewed on December 21, 20 | 10. | |
| | | | | | | |
| | | | | Bas | e Penalty | \$10,000 |
| >> Environme | ntal, Proper | ty and Human Hea | | 1 | | |
| | Release | Harm Major Modera | | | | Massesses. |
| OR | Actual | | | | | 5000 |
| | Potential | | | Percent 0% | | |
| | _ | | _ | | | *** |
| >>Programma | Falsification | Major Modera | ate Minor | | | |
| | Taisineddon | I Hajor Hodera | X | Percent 1% | | |
| | | А | | | | all control of the co |
| Mahala | | | | | | f i |
| Matrix Notes | The Respo | indent failed to comply wi | th less than 30% (one o | f nine) of the rule requirer | ments. | |
| Notes | | | | | | • |
| | | | | Adionhana | \$9,900 | · · |
| | | | | Adjustment | \$9,900 | *************************************** |
| | | | | | | \$100 |
| Violation Even | | | | | | į |
| AIDIALIDII EVEN | LS . | *** | | | | al- |
| | Number of \ | Violation Events 1 | 26 | 6 Number of violation | days | |
| | | | | | | a new parties |
| | | daily | | | | |
| | | weekly monthly | | | | 300000000000000000000000000000000000000 |
| | mark only one | quarterly | | Violation Base | e Penalty | \$100 |
| | with an x | semiannual | : | | | |
| | | annual | | | | |
| | | single event <u>x</u> | | | | |
| | | | | | | *************************************** |
| | | One sir | ngle event is recommend | led. | | versolitio |
| | | | | | | anna anna |
| | | • | | | | |
| Good Faith Eff | orts to Com | | 0% Reduction | ant Office | | \$10 |
| | | Extraordinary Before N | OV NOV to EDPRP/Settleme | ent Offer | | |
| | | Ordinary | x | | | anname |
| | | N/A | (mark with x) | | | Administra |
| | | | D | | | |
| | | | Respondent completed ember 7, 2011, after the | | | |
| | | | cinder 7, Lori, accertain | , saile 22, 2011 HOL. | | - |
| | | | | Violation | Subtotal | \$90 |
| | | | | | | \$ 50 |
| Economic Bene | efit (EB) for | this violation | | Statutory Limit | Test | |
| | Estimat | ed EB Amount | \$4] | Violation Final Pena | alty Total | \$120 |
| i | | This | violation Final Asses | sed Penalty (adjusted fo | or limits) | \$120 |
| | | | | , , -, | , | |

| | - | conomic | Dellell | AAO | I VƏLIGEL | | |
|---|-----------------------|---|------------------|--|---|---|--|
| Respondent | Moss Bluff Hul | o, LLC | | | | | |
| Case ID No. | 42999 | | | | | | |
| a. Ent. Reference No. | RN100217256 | , | | | | | |
| Media | Air | | | | | Percent Interest | Years of |
| Violation No. | 4 | | | | | Percent Interest | Depreciation |
| | | | - | | | 5.0 | 15 |
| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
| Item Description | No commas or \$ | | | | | | |
| Delaved Costs | | | | | Miles Control | | |
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | 111111111111111111111111111111111111111 | | 0.00 | \$0 | + n/a | \$0 |
| Record Keeping System | \$100 | 21-Dec-2010 | 7-Sep-2011 | 0.71 | \$4 | n/a | \$4 |
| Training/Sampling | | | | 0.00 | \$0 | in/a | \$0 |
| rianing, camping | | | | | | | |
| Remediation/Disposal | 4. | | | 0.00 | \$0 | in in/a | \$0 |
| | - 第二十二 3 本次 + 125. | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | Estimated ex | nense to record m | onthly inspecti | 0.00 | \$0 \$0 | n/a n/a | \$0 \$0 |
| Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs | | not recorded. T | he Final Date if | 0.00 0.00 ons. The da | \$0 \$0 he Date Required te corrective actio | n/a n/a is the date the first ns were completed. for one-time avoid | \$0 \$0 inspection was |
| Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal | | not recorded. T | he Final Date if | ons. The da | \$0 \$0 he Date Required te corrective actio ng item (except \$0 | n/a n/a is the date the first ons were completed. for one-time avoid \$0 | \$0 \$0 inspection was ded costs) |
| Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel | | not recorded. T | he Final Date if | 0.00 0.00 ons. The da entering 0.00 0.00 | \$0 \$0 he Date Required te corrective actio ng item (except \$0 \$0 | is the date the first ons were completed. for one-time avoid \$0 \$0 \$0 | \$0 \$0 inspection was led costs) \$0 \$0 |
| Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel ection/Reporting/Sampling | | not recorded. T | he Final Date if | 0.00 0.00 ons. To the da entering 0.00 0.00 0.00 | \$0 \$0 he Date Required te corrective actio ng item (except \$0 \$0 \$0 | n/a n/a is the date the first ns were completed. for one-time avoid \$0 \$0 \$0 \$0 | \$0 \$0 inspection was led costs) \$0 \$0 \$0 |
| Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel ection/Reporting/Sampling Supplies/equipment | | not recorded. T | he Final Date if | 0.00 0.00 ons. Ti the da enterin 0.00 0.00 0.00 | \$0 \$0 he Date Required te corrective actio ng item (except \$0 \$0 \$0 \$0 | is the date the first ons were completed. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 inspection was ded costs) \$0 \$0 \$0 |
| Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] | | not recorded. T | he Final Date if | 0.00 0.00 ons. To the da enteris 0.00 0.00 0.00 0.00 | \$0 \$0 he Date Required te corrective actio ng item (except \$0 \$0 \$0 \$0 \$0 | is the date the first ons were completed. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 inspection was ded costs) \$0 \$0 \$0 \$0 \$0 |
| Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] | | not recorded. T | he Final Date if | 0.00 0.00 ons. To the da enteris 0.00 0.00 0.00 0.00 | \$0 \$0 he Date Required te corrective actio ng item (except \$0 \$0 \$0 \$0 \$0 | is the date the first ons were completed. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 inspection was inspection was inspection was \$0 \$0 \$0 \$0 \$0 \$0 |
| Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Personnel Supplies/equipment | | not recorded. T | he Final Date if | 0.00 0.00 ons. To the da enteris 0.00 0.00 0.00 0.00 | \$0 \$0 he Date Required te corrective actio ng item (except \$0 \$0 \$0 \$0 \$0 | is the date the first ons were completed. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 inspection was ded costs) \$0 \$0 \$0 \$0 \$0 |
| Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel ection/Reporting/Sampling Supplies/equipment Financial Assurance [2] DNE-TIME avoided costs [3] | | not recorded. T | he Final Date if | 0.00 0.00 ons. To the da enteris 0.00 0.00 0.00 0.00 | \$0 \$0 he Date Required te corrective actio ng item (except \$0 \$0 \$0 \$0 \$0 | is the date the first ons were completed. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 | \$0 \$0 inspection was inspection was inspection was \$0 \$0 \$0 \$0 \$0 \$0 |

Compliance History

Customer/Respondent/Owner-Operator:

CN603335308

Moss Bluff Hub, LLC

Classification: AVERAGE

Regulated Entity:

RN100217256

MOSS BLUFF NATURAL GAS

Classification: AVERAGE

Site Rating: 4.33

Rating: 4.33

STORAGE FACILITY

ID Number(s):

AIR OPERATING PERMITS **PERMIT** AIR OPERATING PERMITS **PERMIT** AIR NEW SOURCE PERMITS **PERMIT** AIR NEW SOURCE PERMITS **ACCOUNT NUMBER**

20205 LH0112H

LH0112H

2587

2587

AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS

AIR OPERATING PERMITS

AFS NUM

ACCOUNT NUMBER

REGISTRATION

ACCOUNT NUMBER

4829100043

AIR EMISSIONS INVENTORY

84377 LH0112H

Location:

1078 PRIVATE ROAD 125G, LIBERTY CO., TX, 77575

TCEQ Region: Date Compliance History Prepared: **REGION 12 - HOUSTON**

December 20, 2011

Agency Decision Requiring Compliance History: Enforcement Compliance Period:

December 20, 2006 to December 20, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Trina Grieco

Phone:

(210) 403-4006

ADMINORDER 2010-1322-AIR-E

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES

2. Has there been a (known) change in ownership/operator of the site during the compliance period?

NO

3. If YES, who is the current owner/operator?

N/A

N/A

4. If YES, who was/were the prior owner(s)/operator(s)?

5. If YES, when did the change(s) in owner or operator N/A

occur?

6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 02/20/2011

Classification: Moderate

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(C)

5C THSC Chapter 382 382.085(b)

Rgmt Prov: General Terms and Conditions ORDER

Description: Failed to submit a semi-annual deviation report within thirty days of the end of the reporting period. Specifically, the report covering the period November 12, 2008 through May 11, 2009 was due

by June 11, 2009, but was not submitted until November 5, 2009, which was 148 days late.

R Any criminal convictions of the state of Texas and the federal government.

N/A

Chronic excessive emissions events.

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

> 1 07/03/2007 (513253)

> 2 01/22/2007 (532293)

> 3 08/29/2007 (543380)

```
4 08/22/2008
                 (687713)
 5 08/28/2009
                 (737083)
 6 05/27/2010
                 (766457)
 7 11/05/2009
                 (778492)
 8 01/26/2010
                 (787908)
 9 06/22/2011
                 (877829)
10 04/07/2011
                 (911925)
11 11/09/2011
                 (950989)
12 12/09/2011
                 (970730)
```

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/29/2007

(543380)

CN603335308

Moderate

Minor

Classification:

Classification: Moderate

Self Report? Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THC Chapter 382, SubChapter D 382.085(b)

O-00259 OP

Description:

Citation:

Failure to include a prior deviation in the corresponding deviation report.

Self Report? NO

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THC Chapter 382, SubChapter D 382.085(b)

O-00259 OP

Description:

Failure to submit the 2005 Annual Emission Limit Exceedance/Engine Downtime

report.

Date: 08/31/2009

(737083)

CN603335308

Self Report?

Classification: 30 TAC Chapter 122, SubChapter B 122.143(4)

Citation:

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b)

GOP 511, SC b(2) (Sitewide Requirements) PERMIT

Description:

Failure to report all instances of deviations within the second semi-annual

deviation report. (Category B3)

F. Environmental audits.

N/A

Type of environmental management systems (EMSs). G.

N/A

Voluntary on-site compliance assessment dates. H.

Participation in a voluntary pollution reduction program.

N/A

Early compliance. J.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



| IN THE MATTER OF AN | § | BEFORE THE |
|---------------------|---|-----------------------|
| ENFORCEMENT ACTION | § | |
| CONCERNING | § | TEXAS COMMISSION ON |
| MOSS BLUFF HUB, LLC | § | |
| RN100217256 | § | ENVIRONMENTAL QUALITY |

AGREED ORDER DOCKET NO. 2011-2161-AIR-E

I. JURISDICTION AND STIPULATIONS

| | At its | | agenda, t | the Texa | s Commis | sion on | Environr | nental Qual | ity |
|--------|------------------|---------------|---------------|-----------|------------|----------|------------|---------------|-----|
| ("the | Commission" | or "TCEQ") | considered | this ag | greement | of the | parties, | resolving | an |
| enforc | ement action re | egarding Mos | s Bluff Hub | , LLC (" | the Respo | ndent") | under th | e authority | ot |
| TEX. F | TEALTH & SAFET | Y CODE ch. 38 | 32 and TEX. \ | Water (| CODE ch. 7 | '. The E | xecutive l | Director of t | the |
| TCEO | , through the E | nforcement Γ | Division, and | I the Res | spondent | appear | before the | e Commissi | on |
| | gether stipulate | | • | | | | | | |

- 1. The Respondent owns and operates a natural gas storage plant at 1078 Private Road 125G in Liberty County, Texas (the "Plant").
- 2. The Plant consists of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 27, 2011.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Thirty-Six Thousand Seven Hundred Twenty Dollars (\$36,720) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Nine Thousand Three

Hundred Seventy-Six Dollars (\$29,376) of the administrative penalty and Seven Thousand Three Hundred Forty-Four Dollars (\$7,344) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. By September 7, 2011:
 - i. Began recording the pumping rate of storage tanks and tank truck loading; and
 - ii. Began recording the results of daily monitoring of the combustion/exhaust gas temperatures of the capture system associated with the volatile organic compounds ("VOC") control device (Thermal Oxidizer MB-TO1).
 - b. By October 17, 2011, reported the deviation for failing to install an emission control device on storage tank D-990; and
 - c. By November 28, 2011, retrofitted storage tank D-990 with a submerged pipe as an emission control device.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

- 1. Failed to record the pumping rate of storage tanks and tank truck loading since issuance of the New Source Review ("NSR") permit on April 29, 2005, in violation of 30 Tex. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 20205, Special Conditions No. 10, Federal Operating Permit ("FOP") No. 02587, General Terms and Conditions and Special Terms and Conditions No. 7, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on February 24, 2011.
- 2. Failed to install a submerged fill pipe or a vapor recovery system as an emission control device on storage tank D-990 containing pipeline liquids/condensate with a true vapor pressure of 17.7 pounds per square inch by January 1, 2009, resulting in the release of approximately 11.4 tons of VOC in 2009 and 4.15 tons of VOC in 2010, in violation of 30 Tex. Admin. Code §§ 115.112(d)(1) and 122.143(4), FOP No. O2587, General Terms and Conditions and Special Terms and Conditions No. 1.A., and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on February 24, 2011.
- 3. Failed to report a deviation for failing to install an emission control device on storage tank D-990 for the four semi-annual deviation reporting periods between March 19, 2009 to March 18, 2011, in violation of 30 Tex. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2587, General Terms and Conditions and Special Terms and Conditions No. 1.A., and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on February 24, 2011.
- 4. Failed to record monthly inspections of the capture system associated with the VOC control device (Thermal Oxidizer MB-TO1) subject to Compliance Assurance Monitoring since FOP No. O2587 was renewed on December 21, 2010, in violation of 30 Tex. ADMIN. CODE §§ 122.143(4) and 122.144(1), FOP No. O2587, General Terms and Conditions and Special Terms and Conditions No. 6, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on February 24, 2011.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Moss Bluff Hub, LLC, Docket No. 2011-2161-AIR-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 4. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.
- 5. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Moss Bluff Hub, LLC DOCKET NO. 2011-2161-AIR-E Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

| For the Commission | |
|---|---|
| For the Executive Director | Sliwiz Date |
| agree to the attached Agreed Order on behal | nd the attached Agreed Order. I am authorized to f of the entity indicated below my signature, and I d therein. I further acknowledge that the TCEQ, in materially relying on such representation. |
| and/or failure to timely pay the penalty amout A negative impact on compliance history Greater scrutiny of any permit applica Referral of this case to the Attorney additional penalties, and/or attorney for a linereased penalties in any future enformation. Automatic referral to the Attorney Grand TCEQ seeking other relief as authorized | ory; tions submitted; y General's Office for contempt, injunctive relief fees, or to a collection agency; rement actions; teneral's Office of any future enforcement actions; |
| Ver Sleller Signature | <u>03/01/2012</u> Date |
| Name (Printed or typed) Authorized Representative of Moss Bluff Hub, LLC | General Manager, SE Region Title |

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.